

COURT INFORMATION

RETURNABLE

May 13, 2019

**DISTRICT COURT OF NASSAU COUNTY
FOURTH DISTRICT: CRIMINAL PART**

-----X
The People of the State of New York

-against-

**MILLERIDGE VENTURES INC.
585 NORTH BROADWAY
JERICHO, NEW YORK 11753**

-----X
STATE OF NEW YORK)

COUNTY OF NASSAU)

ss.:

JAMES BAUDILLE, CODE ENFORCEMENT OFFICER, of the Town of Oyster Bay, Department of Planning and Development, being duly sworn, deposes and says that on the 22nd day of March, 2019, at premises located at: 585 North Broadway, Jericho, New York 11753, in the Town of Oyster Bay, County of Nassau and State of New York, District designation GB on the Building Zone Map of the Town of Oyster Bay, Nassau County, New York, also known as Section 12 Block A Lots 859-861-952 on the Land and Tax Map of the County of Nassau, the defendant did willfully, wrongfully, and unlawfully violate the provisions of the Code of the Town of Oyster Bay, New York, as follows:

COUNT 1

OFFENSE:
§93-28
Certificates of
Occupancy
When
Required
Misdemeanor

Violated the Code of the Town of Oyster Bay, New York, Chapter 93, **BUILDING CONSTRUCTION, ARTICLE III, Certificates of Occupancy, § 93-28 When Required [Amended 5-6-1980]**, in that Defendant has altered the interior of an existing building on the premises and has continued to use and occupy said building, upon completion of said alteration without the issuance of a Certificate of Occupancy.

To wit: Your deponent observed on March 22, 2019 at 10:40 hours at the premises known as 585 North Broadway, Jericho, New York 11753 also known on the land and tax map of the County of Nassau as Section 12, Block A, Lots 859-861-952 the Milleridge Inn was occupied by employees and open for business as a restaurant with no Certificate of Occupancy. Your deponent did review the Section, Block and Lot files of the Town of Oyster Bay which are kept by the Department of Planning and Development in the normal course of business and found that no Certificate of Occupancy had been issued as aforementioned. To occupy any building or part thereof without a Certificate of Occupancy is a violation of the Code of the Town of Oyster Bay.

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SECOND DISTRICT

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COUNT II

OFFENSE:
§93-15
Building
Permits
When
Required
Misdemeanor

Violated the Code of the Town of Oyster Bay, New York, Chapter 93, **BUILDING CONSTRUCTION, ARTICLE II, Building Permits, § 93-15A** [Amended 3-12-1991-by L.L. No. 1-1991], in that the defendant has constructed, altered, or removed, or commenced construction, the alteration, removal or demolition of a building or structure, without first obtaining a building permit therefore from the Division of Building of the Department of Planning and Development.

To wit: Your deponent observed, on March 22, 2019 at 10:40 hours, at the premises known as 585 North Broadway, Jericho, New York 11753, also known on the Land and Tax Map of the County of Nassau as Section 12 Block A Lots 859-861-952, that the defendant Milleridge Ventures Incorporated, of 585 North Broadway, Jericho, New York 11753, constructed a wooden barn on the northwestern side of the property that is over 100 square feet of interior space, without a Building Permit. Your deponent reviewed the Section, Block and Lot files of the Town of Oyster Bay which are kept by the Department of Planning and Development in the normal course of business, and found that no Building Permit had been issued as aforementioned. To construct any accessory structure in excess of 100 square feet without obtaining a Building Permit from the Department of Planning and Development is a violation of the Code of the Town of Oyster Bay.

COUNT III

OFFENSE:
§93-28
Certificates of
Occupancy
When
Required
Misdemeanor

Violated the Code of the Town of Oyster Bay, New York, Chapter 93, **BUILDING CONSTRUCTION, ARTICLE III, Certificates of Occupancy, § 93-28** When Required [Amended 5-6-1980], by having permitted a structure (over 100 sq. ft.) to be erected on the premises, and permitting said structure to be used or occupied without the issuance of a Certificate of Occupancy.

To wit: Your deponent observed, on March 22, 2019 at 10:40 hours, at the premises known as 585 North Broadway, Jericho, New York 11753, also known on the Land and Tax Map of the County of Nassau as Section 12, Block A, Lots 859-861-952, that the defendant Milleridge Ventures Incorporated, of 585 North Broadway, Jericho, New York 11753, constructed a wooden barn on the northwestern side of the property that is over 100 square feet. This barn is being used to house rescued farm animals, with no Certificate of Occupancy. Your deponent reviewed the Section, Block and Lot files of the Town of Oyster Bay which are kept by the Department of Planning and Development in the normal course of business and found that no Certificate of Occupancy had been issued as aforementioned. To occupy any structure of part thereof without a Certificate of Occupancy is a violation of the Code of the Town of Oyster Bay.

COUNT IV

OFFENSE:
Section
183-6 Public
Assembly,
Places of
Violation

Violated the **CODE OF THE TOWN OF OYSTER BAY NEW YORK, v70, Updated 04-01-2010, PART II GENERAL LEGISLATION, Chapter 183, PUBLIC ASSEMBLY, PLACES OF, § 183-6, License required** [Amended 4-16-85 by L.L. No. 1-1985], in that Defendant permitted the subject property to be used as a place of assembly without a written license, issued by the Commissioner of the Department of Planning and Development, authorizing such place of assembly.

To wit: Your deponent observed, on March 22, 2019 at 10:40 hours, at the premises known as 585 North Broadway, Jericho, New York 11753, also known on the Land and Tax Map of the

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County of Nassau as Section 12, Block A, Lots 859-861-952, that the defendant Milleridge Ventures Incorporated, of 585 North Broadway, Jericho, New York 11753, operated the Milleridge Inn Restaurant which has a seating capacity over 50 persons, with no Public Assembly License. Your deponent reviewed the Section, Block and Lot files of the Town of Oyster Bay which are kept by the Department of Planning and Development in the normal course of business and found that no Public Assembly License had been issued as aforementioned. To operate any restaurant with a seating capacity over 50 persons without a Public Assembly License is a violation of the Code of the Town of Oyster Bay.

COUNT V

OFFENSE:
Section
183-6 Public
Assembly,
Places of
Violation

Violated the CODE OF THE TOWN OF OYSTER BAY NEW YORK, v70, Updated 04-01-2010, PART II GENERAL LEGISLATION, Chapter 183, PUBLIC ASSEMBLY, PLACES OF, § 183-6, License required [Amended 4-16-85 by L.L. No. 1-1985], in that Defendant permitted the subject property to be used as a place of assembly without a written license, issued by the Commissioner of the Department of Planning and Development, authorizing such place of assembly.

To wit: Your deponent observed, on March 22, 2019 at 10:40 hours, at the premises known as 585 North Broadway, Jericho, New York 11753, also known on the Land and Tax Map of the County of Nassau as Section 12, Block A, Lots 859-861-952, that the defendant Milleridge Ventures Incorporated, of 585 North Broadway, Jericho, New York 11753, operated the Milleridge Cottage Catering Hall which has a seating capacity over 50 persons, with no Public Assembly License. Your deponent reviewed the Section, Block and Lot files of the Town of Oyster Bay which are kept by the Department of Planning and Development in the normal course of business and found that no Public Assembly License had been issued as aforementioned. To operate any restaurant with a seating capacity over 50 persons without a Public Assembly License is a violation of the Code of the Town of Oyster Bay.

COUNT VI

OFFENSE:
Section
183-6 Public
Assembly,
Places of
Violation

Violated the CODE OF THE TOWN OF OYSTER BAY NEW YORK, v70, Updated 04-01-2010, PART II GENERAL LEGISLATION, Chapter 183, PUBLIC ASSEMBLY, PLACES OF, § 183-6, License required [Amended 4-16-85 by L.L. No. 1-1985], in that Defendant permitted the subject property to be used as a place of assembly without a written license, issued by the Commissioner of the Department of Planning and Development, authorizing such place of assembly.

To wit: Your deponent observed, on March 22, 2019 at 10:40 hours, at the premises known as 585 North Broadway, Jericho, New York 11753, also known on the Land and Tax Map of the County of Nassau as Section 12, Block A, Lots 859-861-952, that the defendant Milleridge Ventures Incorporated, of 585 North Broadway, Jericho, New York 11753, operated the Milleridge Carriage House Catering Hall which has a seating capacity over 50 persons, with no Public Assembly License. Your deponent reviewed the Section, Block and Lot files of the Town of Oyster Bay which are kept by the Department of Planning and Development in the normal course of business and found that no Public Assembly License had been issued as aforementioned. To operate any restaurant with a seating capacity over 50 persons without a Public Assembly License is a violation of the Code of the Town of Oyster Bay.

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COUNT VII

OFFENSE:
§246-5.2
Zoning
District
Regulations
Misdemeanor

Violated the Code of the Town of Oyster Bay, New York, Chapter 246 ZONING CODE OF THE TOWN OF OYSTER BAY, Section 246-5 DISTRICT REGULATIONS, Subsection 246-5.2 Schedule of Use Regulations, in that the Defendant is using the commercial subject property to keep farm animals in a "GB" zoning district which is a prohibited use of the premises.

To wit: Your deponent observed, on March 22, 2019 at 10:40 hours, at the premises known as 585 North Broadway, Jericho, New York 11753, also known on the Land and Tax Map of the County of Nassau as Section 12, Block A, Lots 859-861-952, that the defendant Milleridge Ventures Incorporated, of 585 North Broadway, Jericho, New York 11753, constructed a wooden barn on the northwestern side of the property, and also fenced the area off to create a corral for rescued farm animals in a General Business Zone. Your deponent reviewed the zoning maps of the Town of Oyster Bay which are kept by the Department of Planning and Development in the normal course of business and found the subject premises is located in a "GB" (General Business) Zone and the keeping of farm animals is not a permitted use. To keep farm animals in a General Business Zone is a violation of the Code of the Town of Oyster Bay.

That the Code of the Town of Oyster Bay, New York, as amended was duly and legally adopted, enacted, published and posted by the Town Board of the Town of Oyster Bay, and filed in the Office of the Town Clerk prior to March 22, 2019 and said ordinances are still applicable;

That at all times herein, the abovementioned defendant, "MILLERIDGE VENTURES INC.", is the owner, occupant, resident, tenant, and/or person in control of the above mentioned premises.

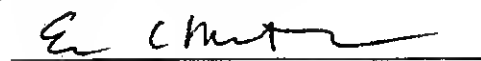
The above statements are true based upon my personal observation and upon information and belief; and as to those statements; I believe them to be true.

FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW.


James Baudille
Code Enforcement Officer

Subscribed to and sworn to before me this

12 day of April, 2019


Notary Public of the State of New York

EMILY C. MONTELEONE
Notary Public, State Of New York
No. 01MC0070203
Qualified in Nassau County
Commission Expires June 24, 2022

COURT INFORMATION

RETURNABLE

May 13, 2019

**DISTRICT COURT OF NASSAU COUNTY
FOURTH DISTRICT: CRIMINAL PART**

-----x
The People of the State of New York

-against-

**KIMCO JERICHO MI, LLC
3333 NEW HYDE PARK ROAD, SUITE 100
NEW HYDE PARK, NEW YORK 11042**

-----x
STATE OF NEW YORK)

) SS.:

COUNTY OF NASSAU)

JAMES BAUDILLE, CODE ENFORCEMENT OFFICER, of the Town of Oyster Bay Department of Planning and Development, being duly sworn, deposes and says that on the 22nd day of March, 2019, at premises located at: 585 North Broadway, Jericho, New York 11753, in the Town of Oyster Bay, County of Nassau and State of New York, District designation GB on the Building Zone Map of the Town of Oyster Bay, Nassau County, New York, also known as Section 12 Block A Lots 859-861-952 on the Land and Tax Map of the County of Nassau, the defendant did willfully, wrongfully, and unlawfully violate the provisions of the Code of the Town of Oyster Bay, New York, as follows:

COUNT I

OFFENSE:
§93-28
Certificates of
Occupancy
When
Required
Misdemeanor

Violated the Code of the Town of Oyster Bay, New York, Chapter 93, BUILDING CONSTRUCTION, ARTICLE III, Certificates of Occupancy, § 93-28 When Required [Amended 5-6-1980], in that Defendant has altered the interior of an existing building on the premises and has continued to use and occupy said building, upon completion of said alteration without the issuance of a Certificate of Occupancy.

To wit: Your deponent observed on March 22, 2019 at 10:40 hours at the premises known as 585 North Broadway, Jericho, New York 11753 also known on the Land and Tax Map of the County of Nassau as Section 12, Block A, Lots 859-861-952 the Milleridge Inn was occupied by employees and open for business as a restaurant with no Certificate of Occupancy. Your deponent did review the Section, Block and Lot files of the Town of Oyster Bay which are kept by the Department of Planning and Development in the normal course of business and found that no Certificate of Occupancy had been issued as aforementioned. To occupy any building or part thereof without a Certificate of Occupancy is a violation of the Code of the Town of Oyster Bay.

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COUNT II

OFFENSE:
§93-15
Building
Permits
When
Required
Misdemeanor

Violated the Code of the Town of Oyster Bay, New York, Chapter 93, **BUILDING CONSTRUCTION, ARTICLE II, Building Permits, § 93-15A** [Amended 3-12-1991-by L.L. No. 1-1991], in that the defendant has constructed, altered, or removed, or commenced construction, the alteration, removal or demolition of a building or structure, without first obtaining a building permit therefore from the Division of Building of the Department of Planning and Development.

To wit: Your deponent observed, on March 22, 2019 at 10:40 hours, at the premises known as 585 North Broadway, Jericho, New York 11753, also known on the Land and Tax Map of the County of Nassau as Section 12 Block A Lots 859-861-952, that construction had been done to the Milleridge Inn for the repair of fire damage, installation of an elevator, work done on the roof, and changes in the interior of the building without Building Permits. Your deponent reviewed the Section, Block and Lot files of the Town of Oyster Bay which are kept by the Department of Planning and Development in the normal course of business, and found that all Building Permits have expired. Failure to complete the permit process is a violation of the Code of the Town of Oyster Bay.

COUNT III

OFFENSE:
§93-15
Building
Permits
When
Required
Misdemeanor

Violated the Code of the Town of Oyster Bay, New York, Chapter 93, **BUILDING CONSTRUCTION, ARTICLE II, Building Permits, § 93-15A** [Amended 3-12-1991-by L.L. No. 1-1991], in that the defendant has constructed, altered, or removed, or commenced construction, the alteration, removal or demolition of a building or structure, without first obtaining a building permit therefore from the Division of Building of the Department of Planning and Development.

To wit: Your deponent observed, on March 22, 2019 at 10:40 hours, at the premises known as 585 North Broadway, Jericho, New York 11753, also known on the Land and Tax Map of the County of Nassau as Section 12, Block A, Lots 859-861-952, that construction had been done to the Milleridge Carriage House for interior alterations without Building Permits. Your deponent reviewed the Section, Block and Lot files of the Town of Oyster Bay which are kept by the Department of Planning and Development in the normal course of business and found that all Building Permits have expired. Failure to complete the permit process is a violation of the Code of the Town of Oyster Bay.

COUNT IV

OFFENSE:
§ 180-22
Plumbing
Permits
Required
Violation

Violated the **CODE OF THE TOWN OF OYSTER BAY NEW YORK, v69 Updated 12-01-2009, PART II GENERAL LEGISLATION, Chapter 180, PLUMBING, ARTICLE IV, Plumbing Permits, § 180-22 Required**, by unlawfully performing plumbing work in a building or a structure without obtaining a permit.

To wit: Your deponent observed, on March 22, 2019 at 10:40 hours, at the premises known as 585 North Broadway, Jericho, New York 11753, also known on the Land and Tax Map of the County of Nassau as Section 12, Block A, Lots 859-861-952, that construction had been done to the Milleridge Carriage House for interior alterations to the bathrooms without a Plumbing Permit. Your deponent reviewed the Section, Block and Lot files of the Town of Oyster Bay which are kept by the Department of Planning and Development in the normal course of business and found that no Plumbing Permits had been issued. To alter or extend potable water lines or

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waste lines or to add additional plumbing fixtures without a Plumbing Permit is a violation of the Code of the Town of Oyster Bay.

COUNT V

OFFENSE:
§180-30
Certificates
of Approval
Required
Violation

Violated the CODE OF THE TOWN OF OYSTER BAY NEW YORK, v69 Updated 12-01-2009, PART II GENERAL LEGISLATION, Chapter 180, PLUMBING, ARTICLE V, Certificates of Approval, § 180-30, by unlawfully permitting the use of plumbing on the premises without having been issued a certificate of approval by the Plumbing Inspector.

To wit: Your deponent observed, on March 22, 2019 at 10:40 hours, at the premises known as 585 North Broadway, Jericho, New York 11753, also known on the Land and Tax Map of the County of Nassau as Section 12, Block A, Lots 859-861-952, that construction had been done to the Milleridge Carriage House for interior alterations to the bathrooms without having a Town of Oyster Bay Plumbing Inspector issue a Certificate of Plumbing Approval. Your deponent reviewed the Section, Block and Lot files of the Town of Oyster Bay which are kept by the Department of Planning and Development in the normal course of business and found that no Certificate of Plumbing Approval had been issued. To alter or extend potable water lines or waste lines or to add additional plumbing fixtures without a Certificate of Plumbing Approval is a violation of the Code of the Town of Oyster Bay.

COUNT VI

OFFENSE:
§93-15
Building
Permits
When
Required
Misdemeanor

Violated the Code of the Town of Oyster Bay, New York, Chapter 93, BUILDING CONSTRUCTION, ARTICLE II, Building Permits, § 93-15A [Amended 3-12-1991-by L.L. No. 1-1991], in that the defendant has constructed, altered, or removed, or commenced construction, the alteration, removal or demolition of a building or structure, without first obtaining a building permit therefore from the Division of Building of the Department of Planning and Development.

To wit: Your deponent observed, on March 22, 2019 at 10:40 hours, at the premises known as 585 North Broadway, Jericho, New York 11753, also known on the Land and Tax Map of the County of Nassau as Section 12 Block A Lots 859-861-952, that the defendant Kimco Jericho MI LLC of 3333 New Hyde Park Road, Suite 100, New Hyde Park, New York 11042 allowed the construction of a wooden barn on the northwestern side of the property that is over 100 square feet of interior space, without a Building Permit. Your deponent reviewed the Section, Block and Lot files of the Town of Oyster Bay which are kept by the Department of Planning and Development in the normal course of business, and found that no Building Permit had been issued as aforementioned. To construct any accessory structure in excess of 100 square feet without obtaining a Building Permit from the Department of Planning and Development is a violation of the Code of the Town of Oyster Bay.

COUNT VII

OFFENSE:
§93-28
Certificates of
Occupancy
When
Required
Misdemeanor

Violated the Code of the Town of Oyster Bay, New York, Chapter 93, BUILDING CONSTRUCTION, ARTICLE III, Certificates of Occupancy, § 93-28 When Required [Amended 5-6-1980], by having permitted a structure (over 100 sq. ft.) to be erected on the premises, and permitting said structure to be used or occupied without the issuance of a Certificate of Occupancy.

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To wit: Your deponent observed, on March 22, 2019 at 10:40 hours, at the premises known as 585 North Broadway, Jericho, New York 11753, also known on the Land and Tax Map of the County of Nassau as Section 12, Block A, Lots 859-861-952, that the defendant Kimco Jericho MI LLC of 3333 New Hyde Park Road, Suite 100, New Hyde Park, New York 11042, allows the use of a wooden barn on the northwestern side of the property that is over 100 square feet. This barn is being used to house rescued farm animals, with no Certificate of Occupancy. Your deponent reviewed the Section, Block and Lot files of the Town of Oyster Bay which are kept by the Department of Planning and Development in the normal course of business and found that no Certificate of Occupancy had been issued as aforementioned. To occupy any structure of part thereof without a Certificate of Occupancy is a violation of the Code of the Town of Oyster Bay.

COUNT VIII

OFFENSE:
§246-5.2
Zoning
District
Regulations
Misdemeanor

Violated the Code of the Town of Oyster Bay, New York, Chapter 246 ZONING CODE OF THE TOWN OF OYSTER BAY, Section 246-5 DISTRICT REGULATIONS, Subsection 246-5.2 Schedule of Use Regulations, in that the Defendant is using the commercial subject property to keep farm animals in a "GB" zoning district which is a prohibited use of the premises.

To wit: Your deponent observed, on March 22, 2019 at 10:40 hours, at the premises known as 585 North Broadway, Jericho, New York 11753, also known on the Land and Tax Map of the County of Nassau as Section 12, Block A, Lots 859-861-952, that the defendant Kimco Jericho MI LLC of 3333 New Hyde Park Road, Suite 100, New Hyde Park, New York 11042, allows a wooden barn on the northwestern side of the property, and an area fenced off to create a corral for rescued farm animals in a General Business Zone. Your deponent reviewed the zoning maps of the Town of Oyster Bay which are kept by the Department of Planning and Development in the normal course of business and found the subject premises is located in a "GB" (General Business) Zone and the keeping of farm animals is not a permitted use. To keep farm animals in a General Business Zone is a violation of the Code of the Town of Oyster Bay.

COUNT IX

OFFENSE:
Section
183-6 Public
Assembly,
Places of
Violation

Violated the CODE OF THE TOWN OF OYSTER BAY NEW YORK, v70, Updated 04-01-2010, PART II GENERAL LEGISLATION, Chapter 183, PUBLIC ASSEMBLY, PLACES OF, § 183-6, License required [Amended 4-16-85 by L.L. No. 1-1985], in that Defendant permitted the subject property to be used as a place of assembly without a written license, issued by the Commissioner of the Department of Planning and Development, authorizing such place of assembly.

To wit: Your deponent observed, on March 22, 2019 at 10:40 hours, at the premises known as 585 North Broadway, Jericho, New York 11753, also known on the Land and Tax Map of the County of Nassau as Section 12, Block A, Lots 859-861-952, that the defendant Kimco Jericho MI LLC of 3333 New Hyde Park Road, Suite 100, New Hyde Park, New York 11042, allowed their tenant to operate the Milleridge Inn Restaurant which has a seating capacity over 50 persons, with no Public Assembly License. Your deponent reviewed the Section, Block and Lot files of the Town of Oyster Bay which are kept by the Department of Planning and Development in the normal course of business and found that no Public Assembly License had been issued as aforementioned. To operate any restaurant with a seating capacity over 50 persons without a Public Assembly License is a violation of the Code of the Town of Oyster Bay.

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COUNT X

OFFENSE:
Section
183-6 Public
Assembly,
Places of
Violation

Violated the **CODE OF THE TOWN OF OYSTER BAY NEW YORK, v70, Updated 04-01-2010, PART II GENERAL LEGISLATION, Chapter 183, PUBLIC ASSEMBLY, PLACES OF, § 183-6, License required [Amended 4-16-85 by L.L. No. 1-1985]**, in that Defendant permitted the subject property to be used as a place of assembly without a written license, issued by the Commissioner of the Department of Planning and Development, authorizing such place of assembly.

To wit: Your deponent observed, on March 22, 2019 at 10:40 hours, at the premises known as 585 North Broadway, Jericho, New York 11753, also known on the Land and Tax Map of the County of Nassau as Section 12, Block A, Lots 859-861-952, that the defendant Kimco Jericho MI LLC of 3333 New Hyde Park Road, Suite 100, New Hyde Park, New York 11042, allowed their tenant to operate the Milleridge Cottage Catering Hall which has a seating capacity over 50 persons, with no Public Assembly License. Your deponent reviewed the Section, Block and Lot files of the Town of Oyster Bay which are kept by the Department of Planning and Development in the normal course of business and found that no Public Assembly License had been issued as aforementioned. To operate any restaurant with a seating capacity over 50 persons without a Public Assembly License is a violation of the Code of the Town of Oyster Bay.

COUNT XI

OFFENSE:
Section
183-6 Public
Assembly,
Places of
Violation

Violated the **CODE OF THE TOWN OF OYSTER BAY NEW YORK, v70, Updated 04-01-2010, PART II GENERAL LEGISLATION, Chapter 183, PUBLIC ASSEMBLY, PLACES OF, § 183-6, License required [Amended 4-16-85 by L.L. No. 1-1985]**, in that Defendant permitted the subject property to be used as a place of assembly without a written license, issued by the Commissioner of the Department of Planning and Development, authorizing such place of assembly.

To wit: Your deponent observed, on March 22, 2019 at 10:40 hours, at the premises known as 585 North Broadway, Jericho, New York 11753, also known on the Land and Tax Map of the County of Nassau as Section 12, Block A, Lots 859-861-952, that the defendant Kimco Jericho MI LLC of 3333 New Hyde Park Road, Suite 100, New Hyde Park, New York 11042, allowed their tenant to operate the Milleridge Carriage House Catering Hall which has a seating capacity over 50 persons, with no Public Assembly License. Your deponent reviewed the Section, Block and Lot files of the Town of Oyster Bay which are kept by the Department of Planning and Development in the normal course of business and found that no Public Assembly License had been issued as aforementioned. To operate any restaurant with a seating capacity over 50 persons without a Public Assembly License is a violation of the Code of the Town of Oyster Bay.

That the Code of the Town of Oyster Bay, New York, as amended was duly and legally adopted, enacted, published and posted by the Town Board of the Town of Oyster Bay, and filed in the Office of the Town Clerk prior to March 22, 2019 and said ordinances are still applicable;

That at all times herein, the abovementioned defendant, "**KIMCO JERICHO MI, LLC**", is the owner, occupant, resident, tenant, and/or person in control of the above mentioned premises.

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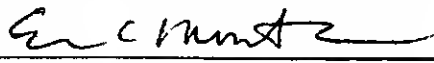
The above statements are true based upon my personal observation and upon information and belief; and as to those statements; I believe them to be true.

FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW.


James Baudille
Code Enforcement Officer

Subscribed to and sworn to before me this

12th day of April, 2019


Notary Public of the State of New York

EMILY C. MONTELEONE
Notary Public, State Of New York
No. 01MO6076253
Qualified In Nassau County
Commission Expires June 24, 2022